

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**ANTHONY S. NORMAN,**

**Plaintiff,**

**v.**

**9:09-cv-0511**

**SERGEANT WEST, et al.,**

**Defendants.**

**APPEARANCES:**

Anthony S. Norman  
Plaintiff, *pro se*

Hon. Andrew M. Cuomo  
Attorney General for the State of New York  
The Capitol  
Albany, NY 12224  
Counsel for Defendants

**Norman A. Mordue, Chief U. S. District Judge**

**OF COUNSEL:**

Adele M. Taylor-Scott, Esq.

**AMENDED ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 20<sup>th</sup> day of July 2010. Following fourteen days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

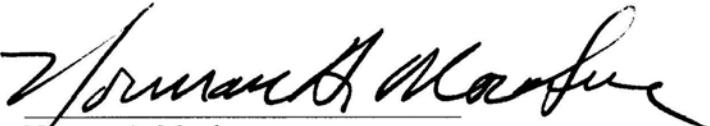
2. The Defendants' motion to dismiss for failure to state a claim (Dkt. No. 26) is granted with prejudice as to the claims against defendants West and Schiff and with leave to amend the claims against defendants Volpe and Barse, and the Clerk shall enter judgment accordingly.

3. Any amended complaint filed as against defendants Volpe and Barse, shall be filed no later than September 30, 2010.

4. The Clerk of the Court shall serve a copy of this Order upon all parties and the  
Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: September 8, 2010  
Syracuse, New York

  
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Norman A. Mordue  
Chief United States District Court Judge

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